

CHAPTER 180

EDUCATIONAL INSTITUTIONS SECURITY OFFICERS

S. F. 106

AN ACT authorizing the state board of regents to authorize institutions under its control to commission special security officers with peace officer authority.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter two hundred sixty-two (262), Code 1966, is hereby
2 amended by adding the following thereto:
3 "The board may authorize any institution under its control to commis-
4 sion one or more of its employees as special security officers. Special securi-
5 ty officers shall have the powers, privileges, and immunities of regular
6 peace officers when acting in the interests of the institution by which they
7 are employed. The board shall provide as rapidly as practicable for the ade-
8 quate training of such special security officers at the Iowa law enforce-
9 ment academy or in an equivalent training program, unless they have al-
10 ready received such training."

Approved March 3, 1969.

CHAPTER 181

REGENTS LONG-RANGE BUILDING PLAN

S. F. 537

AN ACT authorizing the state board of regents to acquire by gift, purchase, lease or construction and to reconstruct, complete, equip, improve, repair, remodel, operate, control, maintain and manage academic and administrative buildings and facilities and additions to and utilities services for such buildings and facilities and additions, at institutions of higher learning now or hereafter under the jurisdiction of the state board of regents, to acquire and improve property therefor, to establish and collect student fees and charges and to borrow money and issue revenue bonds payable solely from fees and charges and other institutional income, and to refund bonds or other obligations payable from such revenues.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. The general assembly hereby determines that the annual
2 revenues of the state are insufficient to finance the immediate building re-
3 quirements and other facilities and utilities services requirements of the
4 institutions of higher learning under the jurisdiction of the state board of
5 regents and in order to provide these buildings, facilities and utilities serv-
6 ices when they are needed, it is necessary to authorize the issuance of
7 revenue bonds by the state board of regents, subject to the restrictions and
8 limitations hereinafter set forth. It is the intent of the general assembly
9 that revenue bonds issued for academic and administrative buildings and
10 facilities and utilities services shall supplement and not supplant legisla-
11 tive appropriations for the same or similar purposes.

1 SEC. 2. The following words or terms, as used in this Act, shall have
2 the respective meanings as stated:

3 1. "Board" shall mean the state board of regents.

4 2. "Institution" or "institutions" shall mean the state university of Iowa,
5 the Iowa state university of science and technology, the university of north-

6 ern Iowa, and any other institution of higher learning under the jurisdic-
7 tion of the state board of regents which offers a college program of four
8 (4) years or more, including any such institution the creation of which is
9 hereafter authorized by the general assembly or which is placed under the
10 jurisdiction of said board.

11 3. "Buildings and facilities" shall mean those academic buildings and
12 other facilities used primarily for instructional and research purposes, in-
13 cluding libraries, and such other administrative and service buildings and
14 facilities as are deemed necessary by the board to provide supporting serv-
15 ices to the instructional and research programs and activities of the insti-
16 tutions, including, without limiting the generality of the foregoing, admin-
17 istrative offices, facilities for business services, student services and exten-
18 sion and continuing education services, off-street parking areas and struc-
19 tures incidental to other buildings and facilities which are not primarily
20 for parking purposes, garages, and storage and warehouse facilities, or any
21 combination thereof. This phrase shall also include works and facilities
22 deemed necessary by the board for furnishing utilities services to any
23 buildings or structures operated by the institutions, including, without lim-
24 iting the generality of the foregoing, water, electric, gas, communications,
25 sewer and heating facilities, together with all necessary structures, build-
26 ings, tunnels, lines, reservoirs, mains, filters, pipes, sewers, boilers, gener-
27 ators, fixtures, wires, poles, equipment, treatment facilities and all other
28 appurtenances in connection therewith, or any combination of the foregoing.

29 4. "Project" shall mean the acquisition by gift, purchase, lease or con-
30 struction of buildings and facilities which are deemed necessary by the
31 board for the proper performance of the instructional, research and service
32 functions of the institutions, and additions to buildings and facilities,
33 the reconstruction, completion, equipment, improvement, repair or remodel-
34 ing of buildings and facilities, including the demolition of existing build-
35 ings and facilities which are to be replaced, the acquisition of air rights
36 and the construction of projects thereon, and the acquisition of property
37 of every kind and description, whether real, personal or mixed, for build-
38 ings and facilities by gift, purchase, lease, condemnation or otherwise and
39 the improvement of the same, or any combination of the foregoing.

40 5. "Student fees and charges" shall mean all tuitions, fees and charges
41 for general or special purposes levied against and collected from students
42 attending the institutions except rates, fees, rentals or charges imposed
43 and collected under the provisions of (1) sections two hundred sixty-two
44 point thirty-five (262.35) through two hundred sixty-two point forty-two
45 (262.42) of the Code, (2) sections two hundred sixty-two point forty-four
46 (262.44) through two hundred sixty-two point fifty-three (262.53) of the
47 Code, and (3) sections two hundred sixty-two point fifty-five (262.55)
48 through two hundred sixty-two point sixty-six (262.66) of the Code.

49 6. "Institutional income" shall mean income received by an institution
50 from sources other than (1) student fees and charges, (2) rates, fees, rentals
51 or charges imposed and collected under the provisions of (a) sections two
52 hundred sixty-two point thirty-five (262.35) through two hundred sixty-
53 two point forty-two (262.42) of the Code, (b) sections two hundred sixty-
54 two point forty-four (262.44) through two hundred sixty-two point fifty-
55 three (262.53) of the Code, and (c) sections two hundred sixty-two point
56 fifty-five (262.55) through two hundred sixty-two point sixty-six (262.66)
57 of the Code, (3) state appropriations, and (4) "hospital income," as that

58 term is defined in subsection five (5) of section one (1) of chapter two hun-
59 dred thirty-five (235), Acts of the Sixty-second General Assembly.

60 7. "Bonds" shall mean revenue bonds which are payable solely and only
61 from student fees and charges and institutional income received by the in-
62 stitution at which the project is being undertaken.

1 SEC. 3. The board shall prepare and submit to the general assembly for
2 approval or rejection a proposed ten-year building program for each insti-
3 tution, including an estimate of the maximum amount of bonds which the
4 board expects to issue under the provisions of this Act during each year
5 of the ensuing biennium. Such program and estimate shall be submitted
6 no later than seven (7) days after the passage of this Act by the general
7 assembly and thereafter no later than seven (7) days after the convening of
8 each regular annual session of the general assembly. The building program
9 shall contain a list of the buildings and facilities which the board deems
10 necessary to further the educational objectives of the institutions. This list
11 shall be revised annually, but no project shall be eliminated from the list
12 when bonds have previously been issued by the board to pay the cost
13 thereof. Each such list shall contain an estimate of the cost of each of the
14 buildings and facilities referred to therein. If the general assembly rejects
15 or fails to approve any proposed ten-year building program, such action or
16 inaction shall not affect the status or legality of any project previously or
17 subsequently authorized by the general assembly as provided in section
18 four (4) of this Act.

1 SEC. 4. Subject to and in accordance with the provisions of this Act,
2 the state board of regents after authorization by a constitutional majority
3 of each house of the general assembly and approval by the governor may
4 undertake and carry out any project as defined in this Act at the institu-
5 tions now or hereafter under the jurisdiction of the board. The state board
6 of regents is authorized to operate, control, maintain, and manage build-
7 ings and facilities and additions to such buildings and facilities at each of
8 said institutions. All contracts for the construction, reconstruction, comple-
9 tion, equipment, improvement, repair or remodeling of any buildings, addi-
10 tions, or facilities shall be let in accordance with the provisions of section
11 two hundred sixty-two point thirty-four (262.34) of the Code. The title to
12 all real estate acquired under the provisions of this Act and the improve-
13 ments erected thereon shall be taken and held in the name of the state of
14 Iowa.

1 SEC. 5. The board is authorized to borrow money under the provisions
2 of this Act, and the board may issue and sell negotiable bonds to pay all
3 or any part of the cost of carrying out any project at any institution and
4 may refund and refinance bonds issued for any project or for refunding
5 purposes at the same rate or at a higher or lower rate or rates of interest.
6 Bonds issued under the provisions of this Act shall be sold by said board
7 at public sale on the basis of sealed proposals received pursuant to a notice
8 specifying the time and place of sale and the amount of bonds to be sold
9 which shall be published at least once not less than seven (7) days prior
10 to the date of sale in a newspaper published in the state of Iowa and hav-
11 ing a general circulation in said state. The provisions of chapter seventy-
12 five (75) of the Code shall not apply to bonds issued under authority con-
13 tained in this Act, but such bonds shall be sold upon terms of not less
14 than par plus accrued interest. Bonds issued to refund other bonds issued

15 under the provisions of this Act may either be sold in the manner herein-
16 before specified and the proceeds thereof applied to the payment of the ob-
17 ligations being refunded, or the refunding bonds may be exchanged for
18 and in payment and discharge of the obligations being refunded. The re-
19 funding bonds may be sold or exchanged in installments at different times
20 or an entire issue or series may be sold or exchanged at one time. Any issue
21 or series of refunding bonds may be exchanged in part or sold in parts in
22 installments at different times or at one (1) time. The refunding bonds
23 may be sold or exchanged at any time on, before, or after the maturity of
24 any of the outstanding bonds or other obligations to be refinanced thereby
25 and may be issued for the purpose of refunding a like or greater principal
26 amount of bonds, except that the principal amount of the refunding bonds
27 may exceed the principal amount of the bonds to be refunded to the ex-
28 tent necessary to pay any premium due on the call of the bonds to be
29 refunded or to fund interest in arrears or about to become due.

30 All bonds issued under the provisions of this Act shall be payable solely
31 and only from and shall be secured by an irrevocable pledge of a sufficient
32 portion of the student fees and charges and institutional income received
33 by the particular institution. All bonds issued under the provisions of this
34 Act shall have all the qualities of a negotiable investment security under
35 the laws of this state.

1 SEC. 6. Such bonds may bear such date or dates, may bear interest
2 at such rate or rates, payable semiannually, may mature at such time or
3 times, may be in such form and denominations, may carry such registra-
4 tion privileges, may be payable at such place or places, may be subject to
5 such terms of redemption prior to maturity with or without premium, if
6 so stated on the face thereof, and may contain such terms and covenants,
7 including the establishment of reserves, all as may be provided by the reso-
8 lution of the board authorizing the issuance of the bonds. In addition to the
9 estimated cost of construction, including site costs, the cost of the project
10 may include interest upon the bonds during construction and for six (6)
11 months after the estimated completion date, the compensation of a fiscal
12 agent or adviser, engineering, architectural, administrative and legal
13 expenses and provision for contingencies. Such bonds shall be executed by
14 the president of the state board of regents and attested by the executive
15 secretary, secretary or other official thereof performing the duties of sec-
16 retary, and the coupons thereto attached shall be executed with the origi-
17 nal or facsimile signatures of said president, executive secretary, secretary
18 or other official; provided, however, that the facsimile signature of either
19 of such officers executing such bonds may be imprinted on the face of the
20 bonds in lieu of the manual signature of such officer, but at least one (1)
21 of the signatures appearing on the face of each bond shall be a manual
22 signature. Any bonds bearing the signatures of officers in office on the date
23 of the signing thereof shall be valid and binding for all purposes, notwith-
24 standing that before delivery thereof any or all such persons whose signa-
25 tures appear thereon shall have ceased to be such officers. Each such bond
26 shall state upon its face the name of the institution on behalf of which it
27 is issued, that it is payable solely and only from the student fees and
28 charges and institutional income received by such institution as hereinbe-
29 fore provided, and that it does not constitute a debt of or charge against
30 the state of Iowa within the meaning or application of any constitutional
31 or statutory limitation or provision. The issuance of such bonds shall be

32 recorded in the office of the treasurer of the institution on behalf of which
33 the same are issued, and a certificate by such treasurer to this effect shall
34 be printed on the back of each such bond.

1 SEC. 7. Upon the determination by the state board of regents to under-
2 take and carry out any project or to refund outstanding bonds, said board
3 shall adopt a resolution describing generally the contemplated project
4 and setting forth the estimated cost thereof, or describing the obligations
5 to be refunded, fixing the amount of bonds to be issued, the maturity or
6 maturities, the interest rate or rates and all details in respect thereof.
7 Such resolution shall contain such covenants as may be determined by the
8 board as to the issuance of additional bonds that may thereafter be issued
9 payable from the student fees and charges and institutional income re-
10 ceived by the particular institution, the amendment or modification of the
11 resolution authorizing the issuance of any bonds, the manner, terms, and
12 conditions and the amount or percentage of assenting bonds necessary to
13 effectuate such amendment or modification, and such other covenants as
14 may be deemed necessary or desirable. In the discretion of the board any
15 bonds issued under the terms of this Act may be secured by a trust inden-
16 ture by and between the board and a corporate trustee, which may be
17 any trust company or bank having the powers of a trust company within
18 or without the boundaries of the state of Iowa, but no such trust indenture
19 shall convey or mortgage the buildings and facilities or any part thereof.
20 The provisions of this Act and of any resolution or other proceedings au-
21 thORIZING the issuance of bonds and providing for the establishment and
22 maintenance of adequate student fees and charges and the application of
23 the proceeds thereof, together with institutional income, shall constitute a
24 contract with the holders of such bonds.

1 SEC. 8. Whenever bonds are issued by the state board of regents,
2 it shall be the duty of said board to establish, impose, and collect student
3 fees and charges at the institution on behalf of which such bonds are is-
4 sued, and to adjust such student fees and charges from time to time, in
5 order always to provide amounts which, together with the institutional in-
6 come, will be sufficient to pay the principal of and interest on such bonds
7 as the same become due and to maintain a reserve therefor, and said board
8 is authorized to pledge a sufficient amount of the student fees and charges
9 and institutional income received by such institution for this purpose. Stu-
10 dent fees and charges and institutional income received by one institution
11 shall not be used to discharge bonds issued for or on account of another
12 institution. All bonds issued under the terms of this Act shall be exempt
13 from taxation by the state of Iowa and the interest thereon shall be exempt
14 from the state income tax.

1 SEC. 9. A certified copy of each resolution providing for the issuance
2 of bonds under this Act shall be filed with the treasurer of the institution
3 on behalf of which the bonds are issued and it shall be the duty of said
4 treasurer to keep and maintain separate accounts for each issue of bonds
5 in accordance with the covenants and directions set out in the resolution
6 providing for the issuance thereof. A sufficient portion of the student fees
7 and charges and institutional income received by each institution shall be
8 held in trust by the treasurer thereof, separate and apart from all other
9 funds, to be used solely and only for the purposes specified in this Act and
10 as may be required and provided for by the proceedings of the board au-

11 authorizing the issuance of bonds. It shall be the duty of the treasurer of each
12 institution to disburse funds from the proper account for the payment
13 of the principal of and interest on the bonds in accordance with the direc-
14 tions and covenants of the resolution authorizing the issuance thereof.

1 SEC. 10. Under no circumstances shall any bonds issued under the
2 terms of this Act be or become or be construed to constitute a debt of or
3 a charge against the state of Iowa within the purview of any constitutional
4 or statutory limitation or provision. No taxes, appropriations, or other
5 funds of the state of Iowa may be pledged for or used to pay such bonds
6 or the interest thereon but any such bonds shall be payable solely and only
7 as to both principal and interest from the student fees and charges and
8 institutional income received by the institutions of higher learning under
9 the control of the state board of regents as provided in this Act, and the
10 sole remedy for any breach or default of the terms of any such bonds or
11 proceedings for their issuance shall be a proceeding either in law or in equi-
12 ty by suit, action, or mandamus to enforce and compel performance of the
13 duties required by this Act and the terms of the resolution under which
14 such bonds are issued.

1 SEC. 11. All banks, trust companies, bankers, savings banks and insti-
2 tutions, building and loan associations, savings and loan associations, in-
3 vestment companies and other persons carrying on a banking or invest-
4 ment business, all insurance companies, insurance associations, and other
5 persons carrying on an insurance business and all executors, administrators,
6 guardians, trustees, and other fiduciaries may legally invest any sinking
7 funds, moneys, or other funds belonging to them or within their control in
8 any bonds issued pursuant to this Act; provided, however, that nothing
9 contained in this section may be construed as relieving any persons from
10 any duty of exercising reasonable care in selecting securities for purchase
11 or investment.

1 SEC. 12. The state board of regents is authorized to apply for and
2 accept federal or non-federal gifts, loans, or grants of funds and to use the
3 same to pay all or any part of the cost of carrying out any project at
4 any institution under the terms of this Act or to pay any bonds and
5 interest thereon issued for any purposes specified in this Act.

1 SEC. 13. This Act shall be construed as providing an alternative and
2 independent method for carrying out any project at any institution of
3 higher learning under the control of the state board of regents, for the is-
4 suance and sale or exchange of bonds in connection therewith and for
5 refunding bonds pertinent thereto, without reference to any other statute,
6 and shall not be construed as an amendment of or subject to the provi-
7 sions of any other law, and no publication of any notice, whether under
8 section twenty-three point twelve (23.12) of the Code or otherwise, and
9 no other or further proceedings in respect to the issuance or sale or ex-
10 change of bonds under this Act shall be required except such as are pre-
11 scribed by this Act, any provisions of other statutes of the state to the con-
12 trary notwithstanding.

1 SEC. 14. If any provisions of this Act or the application thereof to any
2 person or circumstances is held to be invalid, such invalidity shall not
3 affect other provisions or applications of the Act which can be given effect

4 without the invalid provisions or application, and to this end the provisions
5 of this Act are declared to be severable.

1 SEC. 15. This Act being deemed of immediate importance shall be in
2 full force and effect from and after its passage and publication in The Mus-
3 catine Journal, a newspaper published at Muscatine, Iowa, and in The
4 Clinton Herald, a newspaper published at Clinton, Iowa.

Approved May 27, 1969.

I hereby certify that the foregoing Act, Senate File 537, was published in The Muscatine Journal, Muscatine, Iowa, June 3, 1969 and in The Clinton Herald, Clinton, Iowa, May 31, 1969.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 182

LABORATORY SCHOOLS

H. F. 130

AN ACT relating to aid to laboratory schools.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred sixty-five point six (265.6), Code
2 1966, is amended by striking from lines six (6) and seven (7) the words
3 and figures "supplementary aid to schools under chapter 286" and insert-
4 ing in lieu thereof the words and figures "aid to schools under chapter
5 three hundred fifty-six (356), Acts of the Sixty-second General Assembly".

Approved February 21, 1969.

CHAPTER 183

COUNTY BOARD OF EDUCATION

H. F. 766

AN ACT relating to election and apportionment of membership of county boards of education.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred seventy-three point three (273.3),
2 Code 1966, is hereby repealed and the following enacted in lieu thereof:
3 "The territory of the entire county school system shall be divided into
4 four election areas, of as nearly as possible equal population and contiguous
5 territory, to be designated as the first, the second, the third, and the fourth
6 election areas. In the event of changes in the population of school dis-
7 tricts, the county board of education shall make any such adjustments
8 as may be necessary to equalize the population of the election areas, pro-
9 vided that no such change shall be made less than sixty days prior to the
10 date of the annual school election."

1 SEC. 2. Section two hundred seventy-three point four (273.4), Code
2 1966, is hereby amended by inserting in line three (3) after the word "coun-
3 ty" the words "school system".